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7	Toho Co., Ltd.	
8	UNITED STATES DISTRICT COURT  NORTHERN DISTRICT OF CALIFORNIA	
9		
10	SAN FRANCISCO DIVISION	
	In Re 17 U.S.C. § 512(h) Subpoena to	Case No.: 25-80131
11	X CORP.	DECLARATION OF HIROYUKI
12		NAKAJIMA IN SUPPORT OF SUBPOENA TO OBTAIN THE IDENTITY OF AN X
13		CORP. CUSTOMER PURSUANT TO 17 U.S.C. § 512(h)
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16	I, <u>Hiroyuki Nakajima</u> , declare as follows:	
17	1. I am an attorney with the law firm Tokyo Flex Law Office, copyright counsel for	
18	Toho Co., Ltd. ("Toho"). I make this declaration in support of Toho's request for the clerk of the	
19	District Court for the Northern District of California to issue the subpoena filed concurrently	
20	herewith pursuant to the Digital Millennium Copyright Act (DMCA), 17 U.S.C. § 512(h). I have	
21	personal knowledge of the facts stated in this Declaration and if called to do so, would testify	
22	competently thereto.	
23	2 I am duly authorized by Toho	to make this request on Toho's behalf

- 2. I am duly authorized by Toho to make this request on Toho's behalf.
- 3. Toho is a Japanese corporation engaged in the business, among other things, of producing and releasing "anime" TV series (i.e., various animated, Japanese-language television series), including the series "My Hero Academia: Vigilantes" and "The Apothecary Diaries."

Toho is the copyright holder for the original works that are being infringed. 4.

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- 5. Toho recently discovered that certain users of X Corp.'s services have stolen visuals from Toho's unreleased videos and posted them before they are officially released.
- 6. On April 3, 2025, Toho sent a notice to X Corp., pursuant to 17 U.S.C. § 512 ("DMCA Notice 1"), demanding X Corp., owner of the social media platform "X" (formerly known as Twitter), take down the URLs containing the infringing content. A true and correct copy of DMCA Notice 1 is attached hereto as **Schedule 1**.
- 7. On April 22, 2025, Toho sent another DMCA Notice ("DMCA Notice 2") to X Corp. demanding X Corp. take down URLs containing additional infringing content. A true and correct copy of DMCA Notice 2 is attached hereto as **Schedule 2.**
- 8. Upon information and belief, X Corp. provides content delivery services enabling the unauthorized reproduction and distribution of Toho's copyrighted works using the URLs (associated with specific user accounts) identified in DMCA Notice 1 and 2.
- 9. Upon information and belief, X Corp. has possession, custody or control of information about the anonymous users of its platform who have engaged in the unauthorized reproduction and distribution of Toho's copyrighted works.
- 10. Upon information and belief, X Corp.'s policies require a subpoena or court order to compel the company to disclose information about an X user or account used in furtherance of the infringement of another's copyrights.
- 11. The sole purpose for which the requested subpoena is sought is to obtain the identities of the alleged infringer(s) described in the DMCA Notices and such information will only be used for the purpose of protecting Toho's copyright rights.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on May 25, 2025 in Tokyo, Japan.

By: Hirogupi Nakajina

Hiroyuki Nakajima